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| 10/714,142      | 11/14/2003  | Robert Edward Williams |                     | 2384             |

7590 10/18/2007  
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| EXAMINER |
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GUTIERREZ, ANTHONY

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| ART UNIT | PAPER NUMBER |
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2857

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10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/714,142

Applicant(s)

WILLIAMS, ROBERT EDWARD

Examiner

Anthony Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed methods perform processes for generating maps. The maps may lack concreteness if the basis on which they are formed is insufficient to assure their reproducibility. While the claims themselves may be drawn to any number of interpretations with respect to the prior art, with respect to patentability for Applicant, the disclosure of the claims must be directed to statutory subject matter.

Do to the nature of Applicant's disclosure, the Examiner maintains that Applicant has not set forth in the disclosure any method or means by which Applicant's method of mapping would ensure that results of the mapping would be assured to be reproducible, as the disclosure is drawn to spatial-energy relationships that do not follow a single discipline towards real representation, but rather the commonalities of diverse physical realities based on what has been traditionally been held to be mutually exclusive interests of respective scientific disciplines, as admitted by Applicant in his response (page 18, the last two paragraphs).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (United States Patent 5,546,327).

As to claims 15-18, 20, and 21, Hattori et al. discloses a method for generating multi-dimensional and multi- hierarchical maps, providing information on spatial and energy relationships between space and events with structural forms, sizes, shapes, locations, geometries and topologies of platens, domains , and domain boundaries among a plurality of said related events in the universe; said maps being generated by an iterative process (see Fig.2 ), such that location and characteristics of each said platen between pairs of said events, and location and characteristics among said domain and said domain boundaries among groups of said events, are determined and generated by a plurality of selected appropriate mathematical rules and a plurality of selected appropriate concepts (col. 3, lines 32-50) and each said event and its surrounding said domain is shown enclosed by a system of said platens forming said domain boundary wherein each said domain boundary is determined by said plurality of selected appropriate mathematical rules and conceptual conventions, and shown to approximate the shape of a modifiable sphere; each said platen between said interrelated said events is determined by said plurality

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of selected appropriate mathematical rules and conceptual conventions (col. 3, lines 51-65) , and shown to characteristically have a diameter less than the approximate diameter of the smaller of said event pairs (col. 9, lines 49-64), a plurality of said platens of a plurality of said events are determined by said plurality of selected appropriate mathematical rules and conceptual conventions to show said structural forms, sizes, shapes. locations

geometries and topologies of said events, domains, domain boundaries, and spatial-energy relationships as continuously linked said platens (col. 4, lines 25-39); interlinked said platens are determined by said plurality of selected appropriate mathematical entities and conceptual conventions, and shown as continuous interconnected pathways among said events and domain boundaries depicted in said map, whereby said spatial and energy relationships among said events and space are depicted, and whereby said structural geometric, and topological relationships among said events, domains, domain boundaries, platens, and space are presented (col. 4, line 40-col. 5, line 26).

Furthermore regarding step (e) of claim 21, the Examiner understands that inclusion of this step was made by Applicant to address providing a tangible result in the form of specific language drawn to actually generating and displaying the maps, a feature previously addressed by the Examiner in his rejection, but not included by Applicant formally in his claims. As such the content of what the maps represent is repeated from earlier in claim 21 and from claim 15 which claim 21 depends on and therefore has already been addressed by the Examiner, and Applicant's specific step

adds nothing new with respect to overcoming the prior art, only with respect to overcoming rejection under 35 U.S.C. 101.

As to claim 19, Hattori et al. discloses that said iterative process requires a decision to place each added said event on one of said multi-hierarchical and multi-dimensional levels, said iterative process requires that, as each said event and its accompanying said domain is added to the said map, a decision is made regarding whether or not there exists a grouping of other said events within or without the added said event, and said iterative process requires that said decision is within the context of the added said event (col. 7, lines 32-44).

### **Response to Amendment**

5. As Applicant is an Applicant *pro se*, Applicant's recent amendment includes claims that have been treated for the sake of Examination but which are not in proper form. Specifically, claims 15-21 are all identified as "New" but retain markups, strikeouts, and underlining from previous claim drafts. Furthermore, all reference numerals in the claims are not placed in parenthesis.

A 'clean copy' of the claims is required in any subsequent response. This clean copy must be submitted **identical** to the recent claims and claim identifiers (i.e., "New") but with all markings removed and with reference numerals placed in parenthesis. It must be titled "Supplemental Amendment". This copy will effectively replace the claims of Applicant's **present** response with a compliant copy.

Any additional response will also require a copy of the claims for the sake of Applicant's **future** response. This copy of claims is to be titled "Amendments to the

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Claims" with any amended claims identified as "Currently Amended", any presently pending, but future unamended claims identified as "Previously Presented", and any future new or canceled claims identified as such.

### ***Response to Arguments***

6. Applicant's arguments filed 6/19/07 have been fully considered but they are not persuasive.

The Examiner must reemphasize what has been communicated throughout prosecution of the case. Namely, that an indication of anticipation of Applicant's invention by the Examiner is not necessarily an indication of Applicant's invention as specified (for example the specific content disclosed in the Specification) but rather anticipation of the language of the claims in their broadest, reasonable interpretation in light of the Specification.

The Examiner maintains that although differences may exist between the prior art of Hattori et al. and Applicant's Specification, the broad nature with which Applicant is intending to claim his invention as already been anticipated by the disclosure of the prior art reference. In other words, if the Applicant were to receive an allowance to language presented in the claims, the Applicant would have allowance over Hattori's invention as well. Applicant throughout his arguments has indicated that Hattori is drawn to a different invention. As such, it would not be proper to grant Applicant allowance to a claim that would also include Hattori's invention if Hattori has claim to a priority date that is early than Applicant's. Therefore Applicant must provide a showing that the Examiner is improperly interpreting the cited sections of Hattori with the

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description of limitations provided in applicant's claims, or further limit the claims with additional limitations that Hattori does not disclose, teach, suggest, or make obvious.

The Examiner believes that Applicant is intending to do this but does not consider the Applicant to do this successfully.

For example, Applicant addresses (page 12, line 1 of the recent response), "The applicant's invention requires specific details of size, mass, etc. of events in order to determine platens, domains..." . You would not be able to assess this requirement from the claims. The specific details, while possibly elsewhere in the specification or disclosure are **not** in the claims. For example, the word, "mass" is never mentioned in the claims, yet this is considered by Applicant to be a specific requirement of Applicant's invention. Amendment to specifically include these details in the claims may overcome the reference to Hattori. At best Applicant addresses "selected" rules or mathematical concepts. The way the Examiner reads this limitation in its broadest reasonable sense is that ANY selected rule or mathematical concept that is applied with the other limitations of the claims provides anticipation. Hattori has these types of rules or concepts in a broad sense that is reasonable relative to Applicant's disclosure (i.e. "in light of the Specification"). The specific narrow limitations, those which may overcome a broad interpretation, however, are not read into the claims by the Examiner. They must be explicitly stated.

Applicant has also attempted to argue the Examiner's broadest, reasonable interpretation of Hattori by treating heat atom events as events of Applicant's claims to see if Hattori discloses a relationship between and among pairs of groups. This is similar to the way that the Examiner might interpret the relationship between the teachings of



the reference and the specific language of Applicant's claims. The Examiner, however, has a slightly different interpretation addressed previously, and repeated here. Again, Applicant to traverse that this interpretation is mistaken must specifically address why Examiner's, not Applicant's broad interpretation is improper:

The Examiner, however, does recognize that Applicant's claims do regard showing relationships between and among events. The Examiner however, disagrees with Applicant's interpretation of the reference regarding these limitations. An "event" is defined in the Brief Glossary to represent the generalized class of masses, beings, entities, interactions, fields, and energies, with a platen being a boundary between events. The Examiner considers the teachings of the reference at column 4, lines 32-50 that teaches dividing a spherical surface in intervals from which an energy line is emitted with a calculated intensity to be equivalent to an "event" with the divisions performed via platens, thus creating domains and domain boundaries. Since there exists (in col. 3, lines 51-65) **an intensity adding part** for adding to each other the intensity of arrived heat energy of the energy line for each solid surface where the energy has been arrived, the Examiner considers this to show a relationship between and among events in the broadest, reasonable understanding. The Examiner believes that this is further supported by the teaching (col. 4, line 40-col. 5, line 26) of **the use of a moving point-to mesh boundary distance calculating part**. This part has a distance comparing and deciding part that is related to energy lines from a moving point that arrive at mesh boundaries in each of three directions determined by the calculated angles in the storage device. The meshes are generated and reconstructed. The Examiner understands the reference to teach in these sections a relationship between multiple arrival points related to the energy lines such that Applicant's claim language regarding the relationship between (or among) multiple events is anticipated.

Although Applicant makes assertions regarding the nature of the events as they individually relate to the apparatus, and asserts that they cannot relate between or amongst each other, Applicant has not addressed to argue or traverse at least the intensity adding part or the use of a moving point-to mesh boundary distance

calculating part which the Examiner relies on to show a relationship between and amongst events. The Examiner will maintain this position until it is shown that **Examiner's** interpretation is improper.

To address Applicant's request, the Examiner has not presently arrived at allowable subject matter. As previously indicated, any amendment should include specific language in the claims themselves regarding features supported in the original disclosure. If Applicant maintains that commonalities amongst diverse physical realities is fully supported in the Specification, or that the five characteristics of domain boundaries are fully supported in the Specification (both as addressed on page 8 of Applicant's recent response), and believes that these features would distinguish the claimed invention over the prior art, Applicant should explicitly indicate language in the claims that address this. At face value with respect to the claims themselves, the Examiner does not see the commonalities nor the five characteristics that Applicant addresses included in the language.

The Examiner has also included a rejection under 35 U.S.C. 101 regarding the statutory nature of the claims. The Examiner addressed features which may cause the claim to be non-statutory. Applicant's amendment has overcome all aspects regarding this rejection except for the requirement of concreteness. Applicant has not addressed this aspect. The Examiner has used this opportunity to expand on this rejection by referring to Applicant's remarks to indicate where concerns may arise with respect to statutory requirements for patentability.

Lastly, the Applicant is cautioned that any claims listed as new (numerically) regardless of subject matter are considered to be an amendment made by Applicant,

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as such, Examiner can maintain or find prior art not previously relied on to reject these claims and make the action Final. To avoid this Applicant must either a) maintain claims without amendment as they were originally or in this case previously presented numerically (as opposed to canceling them and rewriting them as a new claim numerically) and properly traverse the Examiner's interpretation, or b) provide new or amended claims with limitations that overcome the prior art of record. The Examiner has chosen not to make this Office Action Final, but will make the next Office Action Final if Applicant fails to do a) or b) above.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2857  
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